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# PRELIMINARY DRAFT

## No. 3212

PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2011 GENERAL ASSEMBLY

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### DIGEST

**Citations Affected:** IC 5-10; IC 5-10.2; IC 5-10.3; IC 5-10.4; IC 9-31-1-7; IC 10-12; IC 10-17-1-0.1; IC 10-19-6-4; IC 14-9-7-5; IC 16-19-1-4; IC 16-20-1; IC 20-28-9-0.2; IC 21-14-7-0.2; IC 22-4-18-8; IC 33-38; IC 33-39-7-0.1; IC 36-8.

**Synopsis:** Noncode statutes. Codifies certain noncode provisions relating to government employees and pensions. Repeals the corresponding noncode provisions. Repeals without codification the following noncode statutes: (1) A 1985 statute, a 1987 statute, and a 1988 statute relating to the ability of public employees to be candidates for and to hold a public office. (2) A 1987 statute stating when salary increases for state officers become effective. (3) A 1989 statute providing for an additional subsistence allowance for certain officers of the house of representatives. (4) A 1990 statute providing for an additional subsistence allowance for certain officers of the senate. (5) A 2001 statute relating to appointment of members of the PERF board of trustees.

**Effective:** July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-10-1.1-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The actions taken by a school corporation before January 1, 1988, to:**

(1) establish an employee savings plan that is a defined contribution plan qualified under Section 401(a) of the Internal Revenue Code; and

(2) contribute amounts to the employee savings plan on behalf of the employee, with those amounts to be credited and allocated to the employee;

are legalized.

SECTION 2. IC 5-10-5.5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. (a) As used in this section, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by section 2 of this chapter.**

**(b) The following amendments to this chapter apply as follows:**

(1) The addition of section 7.5 of this chapter by P.L.180-2007 applies after June 30, 2007, to active participants of the plan.

(2) The amendments made to section 8 of this chapter by P.L.180-2007 apply after June 30, 2007, to active participants of the plan.

(3) The amendments made to sections 10, 11, and 12 of this chapter by P.L.180-2007 apply to participants of the plan who retire after June 30, 2007.

(4) The amendments made to sections 7 and 13.5 of this chapter by P.L.180-2007 apply to participants of the plan who become disabled after June 30, 2007.

(5) The addition of section 22 of this chapter by P.L.128-2008 applies only to a participant in the plan who is in active



service after June 30, 2008.

(6) The amendments made to sections 9 and 10 of this chapter by P.L.128-2008 apply only to a participant in the plan who is in active service after June 30, 2008.

SECTION 3. IC 5-10-8-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The following amendments to this chapter apply as follows:**

(1) The amendments made to section 2 of this chapter (before its repeal) and section 3 of this chapter (before its repeal) by P.L.46-1985 do not affect contracts:

(A) entered into before; and

(B) in effect on;

July 1, 1986.

(2) The addition of section 7.2 of this chapter by P.L.35-1992 applies to a contract between the state and a prepaid health care delivery plan that is entered into or renewed after June 30, 1992.

SECTION 4. IC 5-10-8-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The benefits accrued by an employee under 31 IAC 1-9-5 (before its repeal) or 31 IAC 2-11-6 (before its repeal) that are unused after June 30, 1989, may be used by the employee after June 30, 1989, in accordance with the rules required by section 7(d) of this chapter, as amended by P.L.27-1988. The rules required by section 7(d) of this chapter, as amended by P.L.27-1988, must provide that an employee who:**

(1) is subject to section 7(d) of this chapter; and

(2) has less than five (5) years of continuous full-time employment after June 30, 1989;

**will be credited with special sick leave on a pro rata basis after June 30, 1989.**

SECTION 5. IC 5-10-8-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.4. Payment of the deductible portion of group health insurance by a public employer before July 1, 1989, is legalized.**

SECTION 6. IC 5-10-8.5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 18 of this chapter by P.L.124-2008 apply to premiums paid after July 31, 2007, for individual or group health coverage for a retired participant and the spouse and dependents of a retired participant.**

SECTION 7. IC 5-10-10-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2011]: **Sec. 6.5.** Notwithstanding section 6 of this chapter, the amount of the special death benefit payable under this chapter, as amended by P.L.66-2000, to the surviving spouse of a probation officer who died in the line of duty after April 27, 1997, and before January 1, 1998, is one hundred fifty thousand dollars (\$150,000).

SECTION 8. IC 5-10.2-2-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1.** The addition of section 18 of this chapter by P.L.224-2003 applies only to investments made after June 30, 2003.

SECTION 9. IC 5-10.2-4-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1.** The following amendments to this chapter apply as follows:

(1) The amendments made by P.L.45-1988 to STEP TWO of section 4(b) of this chapter (formerly section 4(a) of this chapter):

(A) apply only to retirement benefits paid after March 3, 1988; and

(B) do not require retroactive increases in any benefits paid before March 3, 1988.

(2) The amendments made to section 3 of this chapter by P.L.95-2004 apply only to members of the Indiana state teachers' retirement fund who retire after May 31, 2004.

(3) The amendments made to section 8 of this chapter by P.L.62-2005 apply to:

(A) fiscal years that begin after June 30, 2005, for teachers' retirement fund members; and

(B) calendar years that begin after December 31, 2005, for public employees' retirement fund members.

(4) The amendments made to section 6 of this chapter by P.L.124-2008 apply to disability retirement benefits payable by the Indiana state teachers' retirement fund and the public employees' retirement fund after December 31, 2007.

SECTION 10. IC 5-10.2-4-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3.** The board may consider a claim for benefits under section 6(a) of this chapter, as amended by P.L.22-1998, even if the disability of the member making the claim arose from events occurring after March 31, 1994, and before April 2, 1998. A benefit claim approved by the board under this section is payable after the later of April 1, 1998, or the date of the member's claim.

SECTION 11. IC 5-10.3-2-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3.** If before June 1, 1985, the



board approved a member's choice of retirement date that preceded the member's application for benefits, payments made as a result of the choice of retirement date are legalized.

SECTION 12. IC 5-10.3-2-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.4. (a) If the board, the state, or a political subdivision denied, after December 31, 1986, an employee of the state or the political subdivision who was sixty (60) years of age or older the option not to join the fund, the denial is validated.**

**(b) Actions taken by the board before March 5, 1988, that would have been valid under IC 5-10.3-7-3(a), as amended by P.L.46-1988, are validated.**

SECTION 13. IC 5-10.3-7-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 5 of this chapter by P.L.184-2001 apply only to members of the public employees' retirement fund or the Indiana state teachers' retirement fund who retire after June 30, 2001.**

SECTION 14. IC 5-10.3-7-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. Actions taken before April 16, 1987, that would have been valid under section 2 of this chapter, as amended by P.L.62-1987, are legalized and validated.**

SECTION 15. IC 5-10.3-7-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9.6. (a) The state shall initiate the contributions required by section 9 of this chapter, as amended by P.L.35-1985, as part of salary and fringe benefit adjustments provided for state employees after June 30, 1986.**

**(b) The state shall initiate the contributions required by section 9 of this chapter for each governor, lieutenant governor, attorney general, and state superintendent of public instruction elected or appointed to office after November 7, 1988.**

**(c) The state shall initiate, for compensation paid after June 30, 1987, the contributions required under section 9 of this chapter for the following persons whose compensation is paid in whole or in part from state funds:**

**(1) Prosecuting attorneys.**

**(2) Deputy prosecuting attorneys.**

**(3) Juvenile court referees and full-time magistrates appointed under IC 31-6-9-2 (before its repeal, now codified at IC 31-31-3).**

**(4) The master commissioners and full-time magistrates appointed under IC 33-4-1-2.1 (before its repeal, now codified at IC 33-33-2-3), IC 33-4-1-74.3 (before its repeal, now**



codified at IC 33-33-75-2), IC 33-4-1-75.1 (as amended by P.L.378-1987(ss), before its repeal, now codified at IC 33-33-71-3), and IC 33-4-1-82.1 (before its repeal, now codified at IC 33-33-82-3).

(5) The court commissioner and a full-time magistrate appointed under IC 33-5-29.5-7.1 (as amended by P.L.378-1987(ss), before its repeal, now codified at IC 33-33-45-10).

SECTION 16. IC 5-10.3-8-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of section 13 of this chapter by P.L.191-2002 applies to monthly benefits payable by the public employees' retirement fund after December 31, 2002.**

SECTION 17. IC 5-10.4-1-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. If before June 1, 1985, the board approved a member's choice of retirement date that preceded the member's application for benefits, payments made as a result of the choice of retirement date are legalized.**

SECTION 18. IC 5-10.4-1-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.4. (a) The definitions in IC 21-6.1-1 (before its repeal, now codified in this chapter) apply throughout this section.**

**(b) Notwithstanding IC 21-6.1-4-5 (as amended by P.L.214-1995, before its repeal, now codified at IC 5-10.4-4-7) and IC 21-6.1-4-13(a) (as added by P.L.214-1995, before its repeal, now codified at IC 5-10.4-4-14), and subject to IC 21-6.1-4-13(b) (as added by P.L.214-1995, before its repeal, now codified at IC 5-10.4-4-14), a member who accrued creditable service before January 1, 1995, for leave for other educational employment approved by the board:**

**(1) retains the creditable service accrued before January 1, 1995, resulting from the leave for other educational employment that was approved by the board; and**

**(2) continues to accrue creditable service after December 31, 1994, resulting from the leave for other educational employment that was approved before January 1, 1995, by the board.**

SECTION 19. IC 5-10.4-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. The board shall adjust the employer contribution rate for the Indiana state teachers' retirement fund to take into account any actuarial savings resulting from the amendment to IC 21-6.1-2-2 (before its repeal, now codified at section 2 of this chapter) by P.L.291-2001.**



SECTION 20. IC 5-10.4-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. The board shall allocate from the pension stabilization fund (IC 21-6.1-2-8, before its repeal, now codified at section 5 of this chapter) to the fund's 1996 account an amount equal to the unfunded liability for individuals who were members of the fund's pre-1996 account before July 1, 1995, (and survivors and beneficiaries of these members) who after June 30, 1995, became members of the Indiana state teachers' retirement fund's 1996 account.**

SECTION 21. IC 5-10.4-4-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 8 of this chapter by P.L.201-2007 apply to members of the Indiana state teachers' retirement fund who retire after June 30, 2007.**

SECTION 22. IC 5-10.4-4-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 21-6.1-4-6.1 (before its repeal, now codified at section 8 of this chapter) by P.L.184-2001 apply only to members of the public employees' retirement fund or the Indiana state teachers' retirement fund who retire after June 30, 2001.**

SECTION 23. IC 5-10.4-5-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 21-6.1-5-9 (before its repeal, now codified at section 9 of this chapter) by P.L.190-2003 apply to retirement benefits payable by the Indiana state teachers' retirement fund after June 30, 2003.**

SECTION 24. IC 5-10.4-5-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. Actions taken by the public schools after December 31, 1986, and before March 5, 1988, that would have been valid under IC 21-6.1-5-6 (before its repeal), as amended by P.L.46-1988, are validated.**

SECTION 25. IC 9-31-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7. (a) On January 1, 1992, the employees of the department of natural resources who administer the watercraft registration and title programs are transferred to the bureau of motor vehicles.**

**(b) The employees who are transferred under subsection (a) are entitled to have the employees' service with the department of natural resources included for the purpose of computing all applicable employment benefits and will not be adversely affected by the transfer.**



SECTION 26. IC 10-12-2-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. IC 10-1-2-11** (before its repeal, now codified at section 11 of this chapter), as added by P.L.69-2002, applies to the child or spouse of a regular, paid police employee of the state police department if the regular police employee of the state police department was permanently and totally disabled by a catastrophic personal injury that:

(1) was sustained in the line of duty; and

(2) permanently prevents the employee from performing any gainful work;

before, on, or after July 1, 2002.

SECTION 27. IC 10-12-5-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. (a)** The amendments made to sections 3 and 4 of this chapter by P.L.5-2008 apply to supplemental benefits payable after June 30, 2007, to retired employee beneficiaries of the state police pre-1987 retirement system established under IC 10-12-3.

(b) The payment of a supplemental benefit recomputed under sections 3 and 4 of this chapter, as amended by P.L.5-2008, for the period after June 30, 2007, and before the date on which the recomputed supplemental benefit is first paid, must be reduced by the amount of any supplemental benefit computed and paid after June 30, 2007, under sections 3 and 4 of this chapter before those sections were amended by P.L.5-2008.

SECTION 28. IC 10-17-1-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1.** The amendments made to sections 5 and 9 of this chapter and the addition of section 11 of this chapter by P.L.144-2007 apply to employees who begin employment with the Indiana department of veterans' affairs or a county or a city under section 9 of this chapter as amended by P.L.144-2007, as applicable, after June 30, 2007.

SECTION 29. IC 10-19-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4. (a)** On July 1, 1990, the employees of the state emergency management agency established under IC 10-8-2-1 (before its repeal, later codified at IC 10-14-2-1, (before its repeal)), shall initially be composed of the employees of the department of civil defense created under IC 10-4-1-5(a) (before its repeal) and the Indiana emergency medical services commission created under IC 16-1-39-3 (before its repeal) who are employed on June 30, 1990, by those two (2) agencies.

(b) The employees of the department of civil defense who are transferred to the state emergency management agency under





subsection (a) are entitled to have the employee's service under the department of civil defense included for the purpose of computing:

(1) retention points under IC 4-15-2-32 in the event of a layoff; and

(2) all other applicable employment benefits.

SECTION 30. IC 14-9-7-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) This section applies only to salaries paid for pay periods beginning after June 30, 2008.**

(b) As used in this section, "district forester" means any position on the state staffing table with a job code of "001LE2" and a description of "Forester Specialist 2".

(c) As used in this section, "natural sciences manager" means any position on the state staffing table with a job code of "00ENS7" and a description of "Natural Sciences Manager E7".

(d) As used in this section, "state staffing table" means a position classification plan and salary and wage schedule adopted by the state personnel department (established by IC 4-15-1.8-2) under IC 4-15-1.8-7.

(e) For pay periods beginning after June 30, 2008, the state personnel department shall equalize the salary and wage schedules for the positions of district forester and natural sciences manager so that both positions share the higher of the two (2) wage and salary schedules for these positions existing on April 1, 2008. For pay periods beginning after June 30, 2008, the department shall increase the wages and salaries of all district foresters and natural sciences managers to bring the wages and salaries into conformity with the salary and wage schedules required by this section.

SECTION 31. IC 16-19-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4. Employees of the division of services for crippled children of the state department of public welfare who are employed on June 30, 1990, and who become employees of the state board of health under P.L.344-1989 are entitled to have their service under the division of services for crippled children of the state department of public welfare included for the purposes of computing:**

(1) retention points under IC 4-15-2-32 in the event of a layoff; and

(2) all other applicable employment and retirement benefits.

SECTION 32. IC 16-20-1-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 29. (a) The employees of a local health department under IC 16-1-5 (before its repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its repeal) become employees of the local health department established under**



1 IC 16-1-3.8 (before its repeal, now codified at IC 16-20-2) or  
 2 IC 16-1-3.9 (before its repeal, now codified at IC 16-20-3) under  
 3 P.L.40-1989.

4 (b) P.L.40-1989 does not affect the vacation, sick leave,  
 5 insurance, or retirement benefits acquired by an employee of a  
 6 local health department under IC 5-10.3, IC 16-1-5 (before its  
 7 repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its  
 8 repeal).

9 SECTION 33. IC 16-20-1-30 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2011]: **Sec. 30. (a) In a county having a**  
 12 **population of more than two hundred seventy thousand (270,000)**  
 13 **and less than four hundred thousand (400,000), as reported by the**  
 14 **1980 decennial census, employees who were employees of a**  
 15 **city-county health department under IC 16-1-7-16 (before its**  
 16 **repeal) on December 31, 1985, are entitled to the benefits relating**  
 17 **to vacation, sick leave, insurance, and clothing allowance permitted**  
 18 **under IC 16-1-7-16 (before its repeal).**

19 (b) The benefits provided under subsection (a) are subject to  
 20 satisfactory job performance.

21 SECTION 34. IC 20-28-9-0.2 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to**  
 24 **IC 20-6.1-5-14 (before its repeal, now codified at section 20 of this**  
 25 **chapter) by P.L.46-1985 do not affect contracts entered into before,**  
 26 **and in effect on, July 1, 1986.**

27 SECTION 35. IC 21-14-7-0.2 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 20-12-19.7**  
 30 **(before its repeal, now codified in this chapter) by P.L.157-2005**  
 31 **applies to all individuals whose father, mother, or spouse:**

32 (1) was a member of the Indiana National Guard; and

33 (2) suffered a service connected death while serving on state  
 34 active duty (as described in IC 10-16-7-7);

35 whether the father's, mother's, or spouse's service connected death  
 36 occurred before, on, or after July 1, 2005.

37 SECTION 36. IC 22-4-18-8 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 2011]: **Sec. 8. (a) Employees of the office of occupational**  
 40 **development and the employment security division who are**  
 41 **employed on July 1, 1987, remain as employees of the department**  
 42 **of employment and training services created by P.L.18-1987. These**  
 43 **employees shall be considered employees having permanent status**  
 44 **for purposes of the state personnel act (IC 4-15-2).**

45 (b) Employees of the office of occupational development who are  
 46 employed on July 1, 1987, and who become employees of the



department of employment and training services under this section are entitled to have their service under the office of occupational development included for the purpose of computing retention points under IC 4-15-2-32 in the event of a layoff.

SECTION 37. IC 33-38-5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to sections 6 and 8 of this chapter by P.L.159-2005 apply only to increase the part of an annual salary payable after June 30, 2005.**

SECTION 38. IC 33-38-6.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

**Chapter 6.9. Application of Certain Statutes to the 1977 and the 1985 Retirement, Disability, and Death Systems**

**Sec. 1. As used in this chapter, "board" refers to the board of trustees of the public employees' retirement fund.**

**Sec. 2. IC 33-13-9.1-4 (before its repeal, now codified at IC 33-38-7-11), IC 33-13-10.1-7 (before its repeal, now codified at IC 33-38-8-14), IC 33-13-10.1-9 (before its repeal, now codified at IC 33-38-8-16), and IC 33-13-10.1-10 (before its repeal, now codified at IC 33-38-8-17), all as amended by P.L.282-1995, apply to all benefits paid under IC 33-13-9.1 (before its repeal, now codified at IC 33-38-7) and IC 33-13-10.1 (before its repeal, now codified at IC 33-38-8) after June 30, 1995, but do not require the board to recompute any benefits that were paid under IC 33-13-9.1 (before its repeal, now codified at IC 33-38-7) or IC 33-13-10.1 (before its repeal, now codified at IC 33-38-8), before July 1, 1995.**

**Sec. 3. The amendments made to IC 33-38-7-11 by P.L.28-2005 apply:**

**(1) to participants in the judges' 1977 retirement, disability, and death benefit system regardless of whether the participants:**

**(A) retired before July 1, 2005; or**

**(B) retire after June 30, 2005; and**

**(2) only to benefits first payable after June 30, 2005.**

**Sec. 4. The amendments made to IC 33-38-8-13 by P.L.28-2005 apply:**

**(1) to participants in the judges' 1985 retirement, disability, and death benefit system regardless of whether the participants:**

**(A) retired before July 1, 2005; or**

**(B) retire after June 30, 2005; and**

**(2) only to benefits first payable after June 30, 2005.**

SECTION 39. IC 33-39-7-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to**



sections 15, 16, and 19 of this chapter by P.L.33-2006 apply to a participant in the fund who:

- (1) is serving on July 1, 2006; or
- (2) begins service after July 1, 2006;

in a position described in section 8 of this chapter.

SECTION 40. IC 36-8-6-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The addition of section 20 of this chapter by P.L.223-1986 applies only to fund members who die after March 10, 1986.
- (2) The amendments made to section 8 of this chapter by P.L.171-1990 apply to all benefits paid after March 15, 1990.
- (3) The amendments made to section 9.8 of this chapter by P.L.28-2008 apply only to benefits payable with respect to a member of the 1925 police pension fund who dies after June 30, 2008.

SECTION 41. IC 36-8-7-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The addition of section 26 of this chapter by P.L.223-1986 applies only to fund members who die after March 10, 1986.
- (2) The addition of section 12.1 of this chapter by P.L.171-1990 applies to all benefits paid after March 15, 1990.
- (3) The amendments made to section 13 of this chapter by P.L.28-2008 apply only to benefits payable with respect to a member of the 1937 firefighters' pension fund who dies after June 30, 2008.

SECTION 42. IC 36-8-7.5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The addition of section 22 of this chapter by P.L.223-1986 applies only to fund members who die after March 10, 1986.
- (2) The amendments made to this section 13.8 of this chapter by P.L.28-2008 apply only to benefits payable with respect to a member of the 1953 police pension fund who dies after June 30, 2008.

SECTION 43. IC 36-8-8-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The addition of section 20 of this chapter by P.L.223-1986 applies only to fund members who die after March 10, 1986.
- (2) The amendments made to section 10 of this chapter by



**P.L.232-1997 apply only to members of the 1977 fund who initially:**

**(A) become fifty-five (55) years of age; or**

**(B) retire;**

**after June 30, 1997.**

**(3) The amendments made to section 16 of this chapter by P.L.28-2008 apply only to benefits payable with respect to a member of the 1977 police officers' and firefighters' pension and disability fund who dies after June 30, 2008.**

**(4) The amendments made to sections 12 and 13.5 of this chapter by P.L.32-2009 and by P.L.34-2009 apply to a member of the 1977 police officers' and firefighters' pension and disability fund who:**

**(A) after June 30, 2009, receives a benefit based on a determination that the member has a Class 1 or Class 2 impairment, regardless of whether the determination was made before, on, or after June 30, 2009; and**

**(B) before July 1, 2009, has not had the member's disability benefit recalculated under section 13.5 of this chapter (as the section read before amendment by P.L.32-2009 and by P.L.34-2009).**

**SECTION 44. IC 36-8-10-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The following amendments to this chapter apply as follows:**

**(1) The addition of section 11.5 of this chapter by P.L.228-1991 applies only to county police officers and jail employees who suffer an injury or contract an illness after June 30, 1991.**

**(2) The amendments made to section 12.2 of this chapter by P.L.51-2006 apply to an employee beneficiary of a county retirement plan established under section 12 of this chapter who dies in the line of duty after December 31, 2005.**

**SECTION 45. IC 36-8-10-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.3. (a) This section applies to a surviving spouse of an employee beneficiary who:**

**(1) died before July 1, 2005; and**

**(2) was a member of a retirement plan established under section 12 of this chapter.**

**(b) A monthly pension paid under section 16(c) of this chapter, before its amendment by P.L.97-2005, to a surviving spouse after the date the surviving spouse remarried and before July 1, 2005, shall be treated as properly paid.**

**(c) The monthly pension of a surviving spouse:**

**(1) who remarried after December 31, 1989; and**



1           **(2) whose monthly pension paid under section 16(c) of this**  
 2           **chapter, before its amendment by P.L.97-2005, ceased on the**  
 3           **date of remarriage;**  
 4           **shall be reinstated on July 1, 2005, under section 16 of this chapter,**  
 5           **as amended by P.L.97-2005, and continue during the life of the**  
 6           **surviving spouse.**

7           SECTION 46. IC 36-8-12-0.1 IS ADDED TO THE INDIANA  
 8           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 9           [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The formula added to section**  
 10          **6 of this chapter by P.L.70-1995 applies to insurance policies that**  
 11          **are entered into or renewed after December 31, 1995.**

12          SECTION 47. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 13          JULY 1, 2011]: P.L.35-1985, SECTION 35; P.L.46-1985, SECTION  
 14          4; P.L.48-1985, SECTION 3; P.L.376-1985, SECTION 2;  
 15          P.L.223-1986, SECTION 5; P.L.18-1987, SECTION 117; P.L.18-1987,  
 16          SECTION 118; P.L.62-1987, SECTION 2; P.L.347-1987, SECTION  
 17          2; P.L.378-1987, SECTION 14; P.L.378-1987, SECTION 15;  
 18          P.L.27-1988, SECTION 6; P.L.42-1988, SECTION 5; P.L.45-1988,  
 19          SECTION 4; P.L.46-1988, SECTION 15; P.L.197-1988, SECTION 2;  
 20          P.L.40-1989, SECTION 51; P.L.40-1989, SECTION 52; P.L.57-1989,  
 21          SECTION 2; P.L.334-1989, SECTION 41; P.L.344-1989, SECTION  
 22          27; P.L.357-1989, SECTION 37; P.L.171-1990, SECTION 3;  
 23          P.L.185-1990, SECTION 11; P.L.71-1991, SECTION 19;  
 24          P.L.228-1991, SECTION 2; P.L.35-1992, SECTION 2; P.L.70-1995,  
 25          SECTION 13; P.L.214-1995, SECTION 3; P.L.282-1995, SECTION  
 26          6; P.L.232-1997, SECTION 2; P.L.22-1998, SECTION 27;  
 27          P.L.66-2000, SECTION 2; P.L.184-2001, SECTION 10; P.L.246-2001,  
 28          SECTION 19; P.L.291-2001, SECTION 127; P.L.69-2002, SECTION  
 29          4; P.L.191-2002, SECTION 3; P.L.190-2003, SECTION 6;  
 30          P.L.224-2003, SECTION 189; P.L.95-2004, SECTION 18;  
 31          P.L.28-2005, SECTION 3; P.L.28-2005, SECTION 4; P.L.62-2005,  
 32          SECTION 10; P.L.157-2005, SECTION 3; P.L.159-2005, SECTION  
 33          4; P.L.220-2005, SECTION 11; P.L.246-2005, SECTION 235;  
 34          P.L.33-2006, SECTION 4; P.L.51-2006, SECTION 6; P.L.144-2007,  
 35          SECTION 28; P.L.180-2007, SECTION 14; P.L.180-2007, SECTION  
 36          15; P.L.180-2007, SECTION 16; P.L.201-2007, SECTION 2;  
 37          P.L.5-2008, SECTION 3; P.L.28-2008, SECTION 5; P.L.124-2008,  
 38          SECTION 4; P.L.124-2008, SECTION 6; P.L.128-2008, SECTION 10;  
 39          P.L.131-2008, SECTION 70; P.L.32-2009, SECTION 4; P.L.34-2009,  
 40          SECTION 4.

